

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 1-6 and 8-14 have been amended to form in consideration of U.S. practice and preferences.

Claim 1 has been additionally amended to incorporate the recitation of dependent claim 7. This amendment to claim 1 finds support in the specification and figures as filed (e.g., page 3, lines 1-2; page 4, lines 30-34; Figure 1) and introduces no new matter. Dependent claim 7 has been cancelled without prejudice.

Claim 8 has been amended to recite at least one fastening means for releasably fastening the handle. The amendment finds support in the specification and the figures (e.g. page 5, lines 3-15; Figure 1) and introduces no new matter.

Claim 9 has been similarly amended, finding support in the specification and the figures as does claim 8, above. The amendment to claim 9 introduces no new matter.

New claims 15-21 are introduced to further claim the invention, finding support in the specification and the figures (e.g. Figures 1-4) and introducing no new matter.

The Official Action rejected claim 10 under 35 USC 112, second paragraph. The Official Action states that the recitation of "it" in claim 10 should be positively recited with proper antecedent basis.

In response, claim 10 has been amended to obviate the rejection under 35 USC 112, second paragraph.

The Official Action rejected claims 1-14 under 35 USC 102(b) as being anticipated by BURKI (U.S. 3,732,589).

In response, the rejection is traversed for at least the reasons stated below.

Firstly, it is noted that claim 1 has been amended as indicated above.

It is respectfully submitted that BURKI does not teach a toothbrush comprising a handle 15 mounted pivotably 16, 18 on an external wall 17 of the brushing head 2, as recited by amended claim 1.

On the contrary, BURKI discloses disk-shaped brushes arranged on a hub-shaped or frame-like spool body 34, 23, 24. A first embodiment of the brush 23, 24 is fixedly mounted to a shaft 22 so that the spool body will rotate with rotation of the shaft (column 2, lines 30-34). A small coil spring or like element 26 may be provided on the shaft to bear against the outer wall of the spool body (column 2, lines 43-46).

BURKI makes no disclosure that the shaft 22 is rotatably mounted to brush 24, or that either of the spring 26 or the shaft 22 is pivotably mounted, as required by claim 1.

In a second embodiment, BURKI discloses a central bore through a hub-shaped or frame-like spool body 34 which forms the support for a cylindrical brush 33 (column 2, lines 59-63). The

spool body 34 is rotatably mounted on a shaft 35 passing through the bore (column 2, lines 59-64). The shaft 35 is fixedly mounted on a flat housing 36 of handle 41 (column 2, lines 64-66).

Contrary to the invention recited in claim 1, handle 41 is not pivotably mounted on an external wall of spool body 34. Instead, spool body 34 is mounted rotatably around shaft 35 partially enclosed within housing 36 via the bore (column 2, lines 58-64; Figure 3). There is no disclosure in BURKI teaching or suggesting a member pivotably mounted on an external wall of spool body 34. For example, neither the figures nor the specification disclose housing 36 or any other member pivotably mounted on an external wall of spool body 34.

Accordingly, it is respectfully submitted that BURKI does not teach all the elements required by claim 1. It is therefore respectfully submitted that claim 1 is patentable as presented. Reconsideration and withdrawal of the rejection are respectfully requested.

It is also respectfully submitted the dependent claims 2-6 and 8-14 are patentable as presented, at least for depending from a patentable claim as explained above, and for the following reasons.

It is respectfully submitted that BURKI does not disclose a brushing head provided with at least one fastening means for releasably fastening the handle 19 in at least one

stable position onto the external wall, as required by dependent claim 8, as amended.

In contrast, BURKI discloses the brush 31 having a tooth formation 39 meshed with a pinion or bevel gear 38 so that the brush 31 may be driven by a motor 41 (column 2, line 64 to column 3, line 8). BURKI provides no disclosure that the teeth 39 are releasable from gear 38 so that the brush becomes unfastened. Further, there is no teaching or suggestion in BURKI that motor 41 would fix gear 38 and thereby fasten brush 31 in place, as required by the claim.

Likewise, it is respectfully submitted that BURKI does not disclose an external wall of the brushing head provided with two fastening means 19 to releasably maintain the handle in either one of two stable and opposite positions, as required by dependent claim 9.

As stated above regarding claim 8, BURKI does not teach that teeth 39 are releasable from gear 38. BURKI also does not teach or suggest any means to maintain the handle in one of two stable and opposite positions.

Accordingly, it is respectfully submitted that dependent claims 8 and 9 are not anticipated by BURKI.

It is also respectfully submitted that new dependent claim 15 is patentable as not being anticipated by BURKI. BURKI does not teach or suggest a handle mounted pivotably on the external wall of the brushing head by a distal end of the handle

being rotatably mounted to a pivot member to swing between two opposite stable mounting positions, as required by claim 15.

On the contrary, BURKI does not teach or suggest a pivot member located on an external surface of the external wall of the brushing head, as recited by claim 15. For example, there is no pivot member or any other member described or illustrated on an external surface either the brush in Figure 2 or the spool body 34 in Figure 3. Nor does BURKI teach or suggest any of housing 36 or driving unit 41 as rotatably mounted to swing between two opposite, stable mounting positions, as required by claim 15.

Therefore, it is respectfully submitted that claim 15 is not anticipated by BURKI and is patentable.

It is respectfully submitted that new dependent claim 16 is patentable at least for the same reasons as for claim 15, stated above.

As to new independent claim 17, it is respectfully submitted that BURKI does not teach or suggest a brushing head having a first side portion, a second side portion, and a planar joining portion, having a length, joining a midsection of the first side portion to a midsection of the second side portion along the third length, as recited by claim 17.

In contrast, both the embodiment of Figure 2 and the embodiment of Figure 3 in BURKI teach a cylindrical brush wherein two circular brushes 23,24,31,32 are joined by a cylindrical

shaft 25,33. Accordingly, it is respectfully submitted that claim 16 is not anticipated by BURKI.

New dependent claims 18-20 are believed to be patentable at least for depending from claim 17, as stated above.

It is further respectfully submitted that new independent claim 21 is patentable at least for the same reasons as for claim 17, stated above.

From the foregoing, it will be apparent that applicants have fully responded to the October 31, 2007 Official Action and that the claims as presented are patentable. In view of this, applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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